

# CONSTITUTION FOR GWINNETT COUNTY PUBLIC LIBRARY

Adopted May 13, 1996

To be effective July 1, 1996

Amended February 8, 1999

Amended November 8, 2004

Amended July 16, 2012

## ARTICLE I. NAME

The name of the library shall be the Gwinnett County Public Library.

## ARTICLE II. PURPOSE

The library shall offer a full program of library service to all citizens of the county to meet their informational, educational, and recreational needs; select, acquire and catalog materials; provide access to materials by circulation, in house and remote use; establish branches and other outreach services, and promote the use of the library resources.

- a. Said organization is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.
- b. No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by an organization, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.
- c. Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to Gwinnett County for a public purpose. Any such assets not so disposed of shall be disposed of by a Court of Competent Jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

### ARTICLE III. CONSTITUENCY

The library shall serve all residents of Gwinnett County.

### ARTICLE IV. GOVERNING BODY

- Section 1. The governing body shall consist of a five member board. The operation of the library is legally vested in this board under the provisions of the Office Code of Georgia Annotated, 20-5-40.
- Section 2. Each Gwinnett County Commissioner shall appoint one member to the board. All members of the board shall serve for a term concurrent with the full term of the nominating commissioner unless the term of the nominating commissioner has partially expired. If so, the board member shall serve the remaining portion of that commissioner's term of office.
- Section 3. Any person appointed to the board must be a resident of Gwinnett County. If they move their legal residence outside the county, they shall be replaced on the board.
- Section 4. Vacancies shall be filled in the same manner as appointments are made. If a vacancy occurs prior to the expiration of a trustee's term, the new appointee shall complete the unexpired term.
- Section 5. Board members shall receive no compensation. They may be reimbursed for any reasonable and necessary expenses incurred in the performance of library business or if stipulated in terms of any bequest or gift. Membership dues or fees for individual membership in state, regional, and national library associations may be paid.

### ARTICLE V. OFFICERS

- Section 1. The officers of the board shall be a chairperson, a vice-chairperson, and a secretary elected from those serving on the board. The treasurer shall be appointed by the chairperson. These officers shall perform the duties prescribed by the bylaws and the parliamentary authority adopted by the board.
- Section 2. The officers shall be elected at the January meeting to serve for one year or until their successors are elected, and their terms of office shall begin at the close of the meeting at which they are elected. There shall be no limit to the number of terms the officers or the treasurer may service in succession.
- Section 3. The treasurer, the director, and any members of the staff authorized to handle library funds shall be bonded for an amount commensurate with the amount of the funds handled.

### ARTICLE VI. EXECUTIVE COMMITTEE

An Executive Committee, composed of the officers of the board, shall be entrusted to govern in the name of the board between meetings.

#### ARTICLE VII. COMMITTEES

Committees may be appointed by the chairperson as needed.

#### ARTICLE VIII. INTERLIBRARY COOPERATION

The Library Board may enter into cooperative endeavors with other libraries for the purposes of sharing personnel, materials, and services. Such cooperative endeavors must be within the limits of funds available, conducive to mutual growth and development and not in violation of state or federal laws, regulations, or other agreements, contracts, or board policies.

#### ARTICLE IX. CONTRACTS

The Library Board is authorized to make and enter into such contracts or agreements as are deemed necessary and desirable under the provisions of 20-5-40 of the Official Code of Georgia Annotated.

#### ARTICLE X. AMENDMENT OF CONSTITUTION

The constitution may be amended at any regular meeting of the board with a two-thirds vote of the members present, provided that notice is made in writing at least two weeks prior to the meeting, and provided that a quorum is present. All amendments to the constitution will be filed with Public Library Services immediately upon adoption.

## BYLAWS FOR GWINNETT COUNTY PUBLIC LIBRARY

Adopted May 13, 1996

To be effective July 1, 1996

### ARTICLE 1. DUTIES AND RESPONSIBILITIES OF BOARD MEMBERS

The board is the legal governing body of the library. It shall be the duty and responsibility of the board:

- (a) to employ a director who meets state certification requirements.
- (b) to delegate to the director authority to employ other employees as necessary.
- (c) to approve budgets prepared by the director and assume responsibility for the presentation of the library's fiscal needs to the supporting agencies.
- (d) to attend board meetings.
- (e) to establish policies governing the library.
- (f) to set policy for the receipt and administration of gifts of money and property.
- (g) to present financial and progress reports to governing officials and the public.
- (h) To notify the director in advance of all meetings of the board and its committees.

### ARTICLE II. DUTIES OF THE OFFICERS

Section 1. The chairperson shall preside at all regular or called board meetings. He/she shall appoint all committees and shall be an ex-officio member of all committees.

Section 2. The vice-chairperson shall preside in the absence of the chairperson. All other duties of the vice-chairperson shall be assigned by the chairperson.

Section 3. The secretary shall record the official actions of the board, keep a record of attendance at board meetings, and have custody of the official books, which shall be housed at the library's headquarters.

Section 4. The treasurer shall monitor the receipt and disbursement of funds, arrange for quarterly financial reports to the board and for an annual audit in accordance with state and/or federal laws and regulations.

### ARTICLE III. DUTIES OF THE DIRECTOR

Section 1. The director must hold at least a Grade 5(b) Librarian's Professional Graduate Certificate as defined by the State Board for the Certification of Librarians.

Section 2. The director shall be the administrative head of the library system under the direction and review of the board.

Section 3. It is the duty and responsibility of the director:

- (a) To employ and terminate staff members, as necessary, in compliance with applicable laws and the availability of funds.
- (b) To attend all meetings called by Public Library Services or send an authorized substitute.
- (c) To prepare any local, state or federal annual budgets.

- (d) To notify the Board of Trustees and Public Library Services of any failure to comply with:
  - (1) policies of the board.
  - (2) criteria for state aid.
  - (3) state and federal rules and regulations.
  - (4) all applicable local, state or federal laws.
- (e) to administer the total library program, in accordance with policies adopted by the Board of Trustees of the library.
- (f) To attend all meetings of the board or to designate a person to attend.

#### ARTICLE IV. MEETINGS

Section 1. The board shall hold no less than four regular meetings during each fiscal year, including no less than one each calendar quarter. Meetings shall be held on the second Monday at 6:30 p.m. at a location designated by the chairperson.

Section 2. Meetings of the Executive Committee may be called by the chairperson to transact any business necessary between regular meetings of the full board.

Section 3. Prior to each regular or called meeting, the director shall notify each member of the date, time and place of the board meeting.

Section 4. Three members of the board constitute a quorum. No official business may be conducted without a quorum. Except as stated elsewhere in these documents, a simple majority affirmative vote of the quorum present and voting shall be necessary to approve any action before the board.

Section 5. The latest edition of Robert's Rules of Order (Revised), when not in conflict with these constitution and bylaws, shall govern the proceedings.

Section 6. Each board member shall have one vote. The chairperson shall not vote except in the case of a tie vote, at which time the chairperson shall vote to break the tie.

Section 7. All meetings of this board must be open to the public and news media in accordance with Section 50-14-1 et. seq. of the Official Code of Georgia Annotated.

#### ARTICLE V. REPORTS

Section 1. The library is responsible for all reports required by state, federal, or local laws or regulations.

Section 2. All reports and records held by the library are subject to the Open Records Act pursuant to the Official Code of Georgia Annotated Section 50-18-70.

#### ARTICLE VI. ATTENDANCE

Section 1. A board member shall be removed for cause or for failure to attend three consecutive regularly scheduled meetings.

Section 2. A letter reporting the removal and specifying the cause shall be sent to the affected board member and to the appointing authority responsible for the appointment.

The county commissioners shall be asked to appoint another representative to fill that member's unexpired term.

Section 3. The board may authorize a leave of absence for up to six (6) months to members who can show good cause for their future absences.

#### ARTICLE VII. AMENDMENTS

These bylaws may be amended at any regular meeting of the board by a two-thirds vote of the members present, provided that notice is made in writing at least two weeks prior to the meeting, and provided that a quorum is present. All amendments to these bylaws shall be filed with the Public Library Services immediately upon adoption.